IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Tr.P(C).No. 229 of 2007()

MC.33/2006 of FAMILY COURT, THIRUVALLA
.....

PETITIONERS/PETITIONERS:
----

1. **SREEKALA A.L.**
   AGED 37 YEARS, W/O K.K. CHANDRADAS,
   ARUVANNOOR MANNDI, MANNDI P.O.,
   NOW RESIDING A KSEB HOUSING
   COLONY QUARTERS,
   KAZHUTHUMUTTU,
   THOPPUMPADY, KOCHI-5.

2. **MITHREYI CHANDRADAS,**
   AGED 7 YEARS, (MINOR)
   RESIDING AT -DO- -DO-
   (REPRESENTED BY HER MOTHER,
   SREEKALA A.L. 1ST PETITIONER.)

3. **KESAV CHANDRADAS,**
   AGED 5 YEARS, (MINOR)
   RESIDING AT -DO- -DO-
   (REPRESENTED BY HER MOTHER,
   SREEKALA A.L. 1ST PETITIONER.)

BY ADV. SMT.K.R.DEEPA
SMT.K.M.BEENA

RESPONDENT/RESPONDENT:

K.K. CHANDRADAS,
KAMBIYAKAHU VEEDU,
VARANADU P.O.
CHERTHALA,
NOW EMPLOYED AT KERALA WATER
AUTHORITY, PALAKKAD.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

Tr.P.C. NO. 229 OF 2007

= = = = = = = = = = = = = = =

Dated this the 24th day of October, 2007.

J U D G M E N T

This Transfer Petition is filed by the wife to transfer M.C.33/06 from the Family Court, Thiruvalla to the Family Court, Ernakulam on the ground that she is residing at Ernakulam District and she cannot afford to travel up to Thiruvalla. At the out set I may like to point out that it is the wife who has chosen to file the maintenance case at Thiruvalla. The distance from Thoppumpady to Thiruvalla may be about 80 to 90 kilometers. The jurisdiction has been conferred on the Courts by the statute and for invalid reasons the Court shall not indiscriminately transfer a case. The Apex Court in the decision reported in ***Anindita Das v. Srijit Das (2006 (9) SCC 197)*** has held that it has become the habit of wives to file applications for transfer when the Supreme Court had been entertaining and the Apex Court

held that leniency of the Supreme Court is being misused by women. Therefore the Supreme Court held that transfer of case can be had only on the facts and circumstances of each case. Having chosen to file the case before Thiruvalla Court and just because it is little away from her place of residence one cannot attribute it as a ground for transfer and therefore the Tr.P.C. is not entertained. But, at the same time, taking into consideration the fact that the lady has to maintain two children, I direct the Family Court that immediately on completion of service and filing of counter statement, post the case for enquiry and dispose it of at the earliest without causing much difficulty to the petitioner and her unnecessary presence before the Court may be averted and if she requests for exemption on account of personal difficulties on a specific date, entertain the same and excuse her absence and then dispose of the matter in accordance with law.

The Tr.P.C. is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-